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SUBJECT: DTP CO-CHAIRMEN SENTENCED TO 1.5 YEARS IMPRISONMENT

11. (SBU) Summary: Two co-chairs of the pro-Kurdish DTP were sentenced to 1.5 years in prison for violating laws which forbid speaking in non-Turkish languages during political meetings or party campaigns, and using honorific titles or phrases praising crimes or criminals, such as jailed PKK leader Abdullah Ocalan. The co-chairs will likely be barred from politics and not be allowed to run in upcoming elections. Though it is too early to assess public reaction, a Consulate contact feared that by using the courts as a political weapon against perceived dissent, the government was increasing the possibility of a violent backlash from Kurds. These actions by the courts against the DTP co-chairs, along with the recent sentencing of the Diyarbakir and Van Provincial DTP chairmen on charges of promoting separatism, has thrown DTP leadership into disarray at the beginning of Turkey's general election season. End summary.

12. (U) The media reported on February 26, that co-chairs of the pro-Kurdish Democratic Society Party (DTP) Ahmet Turk and Ayse Tugluk, were sentenced to 1.5 years of imprisonment by the First Criminal Court in Ankara for violating article 81 of the Political Parties Law -PPL- 2820, which forbids broadcasting or speaking in a language other than Turkish during meetings or campaigns of the political parties, and Article 215 of the Turkish Penal Code, which prohibits praising a crime or a criminal. The DTP co-chairs were accused of two separate violations; one of PPL 2820, for printing and delivering handouts in Kurdish on the occasion of World Womens Day on March 8, 2006, and one violation of Article 215 of the Penal Code for using honorific titles and phrases addressing and praising jailed PKK leader Abdullah Ocalan. The court asked for one year of punishment for the first violation, and six months for the second.

13. (SBU) Attorney and President of the Diyarbakir Chapter of the Human Rights Foundation Sezgin Tanrikulu told us that neither of the DTP co-chairs have been arrested, and that they would appeal to the Supreme Court after the court announces its official verdict. Tanrikulu said that, if the sentences became definite, the two would be barred from politics and would not be allowed to run in the upcoming elections. Tanrikulu added that it was too early to assess the reaction of the people.

14. (SBU) Tanrikulu's own assessment was that this was a case of the Turkish government using the courts as a tool of politics, by trying to "lynch some political figures right before the general elections." Tanrikulu regretted that the government's resistance to democratic political solutions were destroying SE Kurds' already weak faith in politics and pressuring them to choose violence as their sole option. Tanrikulu added that seeking solutions through violence was becoming more popular due to the state's lack of tolerance for different voices, and the imprisonment and punishment of politicians on no solid grounds.

The recent arrest of the DTP's Diyarbakir and Van Provincial Chairmen on charges of promoting separatism, and of many others prior to (Kurdish new year) Newroz festivities, along with the punishment of the DTP's co-chairs, are actions that do not contribute to a peaceful climate, Tanrikulu said. Diyarbakir Mayor Osman Baydemir is facing similar charges in the coming weeks.

15. (SBU) Tanrikulu added that about ten days ago, the former National Chairperson of the pro-Kurdish HAK-PAR (Rights Party), Abdulmelik Firat, and its ten administrators were sentenced to one year of imprisonment for violating the same article of the PPL; for speaking in Kurdish during their party convention. Taking into account the defendants' good record and good conduct during the hearing, the court had the discretion to commute the sentence to a fine or postpone it for three years, but they chose not to. Judges have been practicing their discretionary rights for those committing crimes against property or life, but have never used them in favor of those convicted of "political" crimes, Tanrikulu added.

Comment

16. (SBU) During this already-tense election season, many within the Turkish establishment seem determined to ratchet up pressure on the PKK, and, by extension, the DTP. These cases also raise questions about the willingness of the legal establishment to further expand language rights or to liberalize restrictions on speech deemed sympathetic to terrorists. The sentencing also increases the likelihood that Ahmed Turk will be removed as DTP chairman as part of a wide-ranging leadership change at a party meeting on February 28, a move that was rumored to be in the works prior to the court decision.

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